

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3 BOARHEAD FARM AGREEMENT
4 GROUP,

CIVIL ACTION NO.
02-CV-3830
Judge Legrome D.
Davis

5 Plaintiff,

6 vs.

7 ADVANCED ENVIRONMENTAL TECHNOLOGY
8 CORPORATION; ASHLAND CHEMICAL
9 COMPANY; BOARHEAD CORPORATION;
10 CARPENTER TECHNOLOGY CORPORATION;
11 CROWN METRO, INC.; DIAZ CHEMICAL
12 CORPORATION; EMHART INDUSTRIES,
13 INC.; ETCHED CIRCUITS, INC.; FCG,
14 INC.; GLOBE DISPOSAL COMPANY, INC.;
15 GLOBE-WASTECH, INC.; HANDY & HARMAN
16 TUBE COMPANY, INC.; KNOLL, INC.;
17 MERIT METAL PRODUCTS CORPORATION;
18 NOVARTIS CORPORATION; NRM INVESTMENT
19 COMPANY; PLYMOUTH TUBE COMPANY;
20 QUIKLINE DESIGN AND MANUFACTURING
21 COMPANY; RAHNS SPECIALTY METALS,
22 INC.; ROHM & HAAS COMPANY, SIMON
23 WRECKING COMPANY, INC.; TECHALLOY
24 COMPANY, INC.; THOMAS & BETTS
25 CORPORATION; UNISYS CORPORATION;
UNITED STATES OF AMERICA
DEPARTMENT OF NAVY,

ORAL DEPOSITION OF:

JOHN BARSUM

Defendants.

Monday, September 8, 2003

Transcript in the above matter taken at
the offices of Ballard, Spahr, Andrews & Ingersoll,
LLP, 1735 Market Street, 42nd Floor, Philadelphia,
Pennsylvania, commencing at 10:05 a.m.

Certified Shorthand Reporting Services
Arranged Through
Mastroianni & Formaroli, Inc.
709 White Horse Pike
Audubon, New Jersey 08106
(856) 546-1100

1 Q. Did you ever go to a company called
2 Quickline Design to pick up waste?

3 A. No.

4 Q. Now, you mentioned Ashland a couple of
5 times. Where did you go, what Ashland facility did you
6 go to?

7 A. Grape Meadows.

8 Q. New Jersey?

9 A. Yeah.

10 Q. Describe for us how you got there.

11 A. How we came up?

12 Q. Yeah.

13 A. 95 to 31, 31 up to 57, 57 to 46, 46 out to
14 Grape Meadows.

15 Q. What did that facility look like?

16 A. Big operation.

17 Q. Kind of like Diaz, that kind of big?

18 A. It's -- yeah, it's a bigger operation.

19 Q. Bigger than Diaz?

20 A. Oh, I think so, yeah.

21 Q. How many buildings do you think?

22 A. Oh, they had several buildings there. I
23 don't know exactly how many.

24 Q. What did you go there to pick up?

25 A. Sulphuric.

1 Q. Bulk?

2 A. Yeah, bulk.

3 Q. How many times did you go to Ashland to pick
4 up waste?

5 A. Back then I was doing it twice a week, maybe
6 three times. It was pretty steady there, about two or
7 three times a week.

8 Q. For what period of time, how many months?

9 A. How many months?

10 Q. Yeah.

11 A. Until things got stopped.

12 Q. Until the end of --

13 A. Until the end.

14 Q. -- of the operation?

15 A. Yeah.

16 Q. The Boarhead operation?

17 A. Yeah.

18 Q. Had it been more or less than a year that
19 you had been going there?

20 A. Yeah, it was over a year, yeah.

21 Q. Okay. Did anybody there ever tell you what
22 you were picking up?

23 A. Yeah, I knew it was sulphuric. It's marked,
24 these tanks were all marked.

25 Q. Okay. Do you know the names of anybody at

1 Ashland?

2 A. No. It was nighttime. Just the guys that
3 work the shift, the night shift. I don't know them
4 all. I just go in, tell the guy I'm picking up, that's
5 it.

6 Q. Did you have to go through a gate?

7 A. No gate, but there was an entry way coming
8 in off of 57 -- off of 46 I mean.

9 Q. Like a big driveway you mean?

10 A. Yeah, they had their own private road, you
11 come through about a half a mile in.

12 Q. What did you have to do when you got there?
13 Did you have to tell somebody you were there?

14 A. Yeah, I'd go tell the guys that were working
15 where that tank's at, and just tell them I'm here to
16 pick up.

17 Q. What kind of tank was this, or were there
18 more than one?

19 A. Yeah, these were big tanks also, steel
20 tanks.

21 Q. How many?

22 A. Probably four in a row, lined back to back.

23 Q. How big each?

24 A. Twenty, 30,000 each.

25 Q. Are they horizontal -- I mean vertical?

1 A. I don't -- geez, I'm trying to remember.

2 Some were down on the ground laying horizontal, and
3 there were a couple verticals, yeah. I'm not sure how
4 many.

5 Q. How did you get filled?

6 A. They pumped it on.

7 Q. Where did the material from the trips you
8 made to Ashland go for disposal?

9 A. Philadelphia.

10 Q. Which one?

11 A. Wissinoming.

12 Q. Any of it ever go back to the farm that you
13 drove?

14 A. I never took any. Maybe one or two, maybe.
15 I'm not sure though. I could have took one or two
16 there. But the bulk of it came to Philly.

17 Q. What's causing you to say maybe one or two?

18 A. Because I don't remember -- I remember one
19 or two possibly that went there because he couldn't
20 take it to Philly for some reason. So I came out the
21 farm and took it.

22 Q. And sitting here today, you think that
23 happened a couple times?

24 A. Yeah, I think it did.

25 Q. When you went back to Boarhead Farms it got

1 dumped back in the hole, the pits?

2 A. No. That went to a tank. That went on that
3 tank and we tried to neutralize it. Any sulphuric we
4 tried to neutralize.

5 Q. The tanks you told us about many hours
6 ago now --

7 A. Yeah.

8 Q. -- that were upright tanks at Fred's place?

9 A. Yeah, that was with the lime to cut it back.

10 Q. And did you personally put it in those
11 tanks?

12 A. Yeah.

13 Q. By "it", I'm talking about the Ashland
14 stuff.

15 A. Yeah. But the bulk of it went to Philly,
16 just that we couldn't get down there that time to
17 unload it.

18 Q. Did you have to have paperwork when you went
19 to Ashland?

20 A. Uh-huh.

21 Q. Did you have paperwork with you that you had
22 to show them?

23 A. Yeah, they gave us a paper, a manifest.

24 Q. All right, you showed up at Ashland --

25 A. I told them who I was.

1 two neutralization tanks, about 30,000 gallons each,
2 which is the same testimony you had today. But I read
3 through that and it was unclear to me exactly what
4 happened to those tanks.

5 I thought in your prior deposition you said
6 that they had been removed from the farm and taken to
7 Philadelphia?

8 A. The tanks, yeah, they took it to Wisconsin
9 then.

10 Q. So those tanks were removed?

11 A. And they were treating the same material
12 from Diaz there.

13 Q. Do you remember exactly when that happened?

14 A. When what happened?

15 Q. When the tanks were moved from the farm to
16 Wisconsin.

17 A. I don't know the exact time. There was a
18 time when he just took over and took that lease there.
19 Whenever that lease was taken.

20 Q. So you believe it was right at the very
21 beginning of the use of Wisconsin?

22 A. Well, we had to neutralize it. Yeah, it was
23 the same procedure.

24 Q. Were those tanks being used out on the farm
25 right up until the point that they were removed?

1 A. Yeah, that I remember. They were still
2 being used until they removed it.

3 Q. Also in that prior testimony you said that
4 Fred had used other sites in Kingwood Township and
5 Baptistown, and also said there were three or four
6 other places that he used. And this --

7 A. Well, okay.

8 Q. And the time period is while you were
9 working with Fred.

10 A. Yeah, he was down on 29 next to Hunterton
11 Gas.

12 Q. Next to Hunterton Gas?

13 A. Yeah, he had a property there.

14 Q. This Baptistown?

15 A. No, Kingwood.

16 Q. And did you ever go there?

17 A. Yeah, I was there.

18 Q. And you took waste there for him?

19 A. Yeah.

20 Q. Do you know what kind of waste went there?

21 A. It was, I don't know, several different
22 little outfits that he had. Not everything.

23 Q. This isn't the same time period that the
24 farm was --

25 A. The farm was operating, then it got shut

1 down is when he got that Kingwood. He was bouncing all
2 over up there.

3 Q. When the farm was shut down?

4 A. Well, he had pressure from EPA and
5 everything. He rented or leased that property.

6 Q. Your prior testimony suggests that this was
7 in the middle '70s?

8 A. It was early '70s, yeah.

9 Q. So this could have been at the same time --

10 A. Yeah.

11 Q. -- that all the other things were going on?

12 A. Yeah, before Philly, everything before
13 Philadelphia.

14 Q. Okay. Before Philadelphia there also could
15 have been waste that also went to Kingwood or
16 Baptistown?

17 A. That's right. Well, I never went too much
18 to Baptistown, just Kingwood.

19 Q. And that could have been tanker or drum?

20 A. Yeah, I took -- it was drums at Kingwood
21 that I took, some drums that went to Kingwood.

22 Q. Okay.

23 A. The drums that came from his farm that he
24 didn't put, that he couldn't put in the pit, the
25 trench, and then we took it to Kingwood.

1 Q. So there were drums --

2 A. But no drums were buried there, everything
3 was dumped there.

4 Q. It was dumped in the --

5 A. No, I mean unloaded and went through a hose
6 and, you know.

7 Q. And this also could have happened with
8 tanker waste -- or did it happen with tanker waste, do
9 you know?

10 A. It wasn't that it was hydrochloric -- yeah,
11 it wasn't no sulphuric that I took there, I'll tell you
12 that.

13 Q. All right. Just hydrochloric?

14 A. It was the light stuff, like Merit stuff
15 when he couldn't go up there. It's the time when he
16 couldn't go through that driveway, they had it blocked.

17 Q. What driveway?

18 A. His driveway was blocked. People came up
19 with guns shooting at us.

20 Q. Neighbors were not particularly pleased?

21 A. Oh, man, the whole neighborhood. It was a
22 nice area. Do you know the area, have you seen it?

23 Q. As a matter of fact I have, yes.

24 A. Okay, well, I'm saying we used to come off
25 from up in Marinestein.

1 Q. That's a pretty drive up the river?

2 A. Come up the hill, yeah.

3 Q. And you actually took a truck up that road?

4 A. Well, you had to be real fast with it coming
5 around the bend, you know, the hard hook.

6 Q. I know what you're talking about.

7 A. Then you know what I'm talking about. If
8 you lose it, you're done. You know, it's a good grade.

9 Q. It's difficult enough with an automatic
10 transmission in a car, right?

11 A. Yeah.

12 Q. How about Frenchtown, did you ever take
13 waste to Frenchtown?

14 A. That's the place I'm talking about,
15 Kingwood.

16 Q. That's the one by --

17 A. That's the one on 21, right there at
18 Hunterton Gas, they were the neighbor.

19 Q. Okay. Did you ever take full tankers from
20 Boarhead to Philly or any one of these other places?
21 You mentioned taking drums, were there also tanker
22 waste --

23 A. Tanker waste came, to Boarhead?

24 Q. -- from Boarhead to one of these other
25 places or to Philadelphia?

1 A. I never took anything out of there from
2 Boarhead.

3 Q. Except the drums?

4 A. Whatever I brought up went up and stayed
5 there.

6 Q. I'm a little unclear, because it sounded
7 before like you had drums that were at Boarhead that
8 you then took to this other place?

9 A. No, I took it to Jonas. Remember I said I
10 took some drums down there and we unloaded and we
11 picked up a tanker.

12 Q. I mean just right now, I thought I heard you
13 say there were drums at Boarhead that you took to the
14 Frenchtown facility.

15 A. Oh, yeah, drums that we took that wasn't
16 dumped at Boarhead went to Frenchtown, yeah.

17 Q. And were there tankers like that or they
18 just never went to Boarhead, they went directly to
19 Frenchtown?

20 A. Yeah, he didn't bring it up when he couldn't
21 get up there, he went to Kingwood there, Frenchtown.

22 Q. And what time period was this, when things
23 were --

24 A. When things got tight, be about '76, '75.
25 But I'm just, close as I can remember.

1 Q. Well, I appreciate that. Now, getting back
2 to the place with the dirt road by Willow Grove Air
3 Station, which I think you and I are both calling
4 Plymouth Tube for the moment.

5 A. Yeah.

6 Q. Do you recall what type of tanker you took
7 down there?

8 A. Yeah, the Quaker City, the iron tanker.

9 Q. An iron tanker?

10 A. Right.

11 Q. So what type of waste would you have picked
12 up if you recall?

13 A. I don't know what that -- I'm not sure.

14 Q. What type of waste would you normally have
15 in the iron tanker?

16 A. It could have been hydrochloric or, what I
17 just said, from Merit.

18 Q. The lighter stuff you're saying?

19 A. Phosphoric. It wasn't no sulphuric.

20 Q. The kind of waste that could have been taken
21 to Frenchtown?

22 A. Yeah, that could have went, yeah.

23 Q. That could have gone to Frenchtown?

24 A. Yeah.

25 Q. You said you went there on a Saturday?

1 Q. When Mr. Lemon was asking you some
2 questions, you said there was a time when Fred's
3 driveway was blocked up at the site and you had to go
4 to Kingwood?

5 A. Well, they had the township on him, the
6 police were there.

7 Q. How long did that time period last? Was
8 that for a day, a week?

9 A. Yeah, it was a week or so. He couldn't
10 keep -- they were coming in constantly. That's when
11 they were keeping an eye on everything, checking.

12 Q. All right. So that period lasted a couple
13 weeks?

14 A. That was a couple weeks, took to it
15 Kingwood.

16 Q. Did that happen only once, the blocking the
17 driveway thing, a couple weeks?

18 A. Well, yeah. But I don't know if you know
19 anything about Lapsley.

20 Q. No, that's okay.

21 MR. HARRIS: I think I'm done.

22 MR. LEMON: One little bit on that least
23 piece.

24 (EXAMINATION OF MR. BARSUM BY MR. LEMON:)

25 Q. It sounded like you were about to say

1 something more. Were there other times that you
2 couldn't or didn't go up to Boarhead for some other
3 reason?

4 A. Yeah, after he had all the pressure on and
5 the law was after him, that's when he had to go to
6 Kingwood. So that's when he went to Kingwood is what
7 I'm saying.

8 Q. So it wasn't just the one time that he went
9 to Kingwood because of pressures?

10 A. No.

11 Q. There were other times?

12 A. Yeah.

13 (EXAMINATION OF MR. BARSUM BY MR. HARRIS:)

14 Q. How many total times did you personally go
15 to Kingwood, to dispose of waste that is?

16 A. Half a dozen.

17 MR. HARRIS: Okay. Nothing further.

18

19 (WITNESS EXCUSED)

20 (TESTIMONY CONCLUDED)

21

22

23

24

25